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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,460	09/15/2003	Melvin Pardue	1201-023/ddh	2197

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IPSOLON LLP
111 SW COLUMBIA
SUITE 710
PORTLAND, OR 97201

EXAMINER

BLAKE, CAROLYN T

ART UNIT PAPER NUMBER

3724

DATE MAILED: 08/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/663,460	Applicant(s) PARDUE ET AL.	
	Examiner Carolyn T. Blake	Art Unit 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2006.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-20 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 22 November 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the amendment and remarks filed on May 25, 2006.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, arcuate ridges curved in a first direction relative to the neutral zone and the rearward-facing ridges are arcuately curved in a second direction relative to the neutral zone must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear how the ridges are arcuate, as they appear to form jagged edges in the figures. In the Remarks section, Applicant referred to FIGS 1, 2, 5, and 6 as showing arcuate ridges. While the examiner could understand how the ridges shown in FIGS 3 and 7 could be considered arcuate since the ridges follow the curved contour of the handle, it is not at all understood how the ridges shown in the remaining figures could be considered arcuate.

Claim Rejections - 35 USC § 103

6. To the extent understood, claims 1-4 and 7-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moyer, Jr. et al (D360,817), Khachatoorian et al (6,502,311), or Crank et al (2,240,397) in view of Kanzawa (D468,615), Glesser (5,689,890), or Cavanagh (610,471) and in further view of DeCarolis (D 299,413).

Moyer, Khachatoorian, and Crank all disclose handles for hand tools with single direction ridges for facilitating gripping of the tool during use. The ridges of Moyer, Khachatoorian, and Crank have a length extending in a direction generally transverse to

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the longitudinal axis such that no ridge overlaps any adjacent ridge along a line transverse to the longitudinal axis, and the ridge pattern includes no ridges extending generally along the longitudinal axis.

Moyer, Khachatoorian, and Crank all lack the two-direction ridge pattern formed on the outer surface, wherein the first ridges face the rearward end, and a plurality of second ridges face the forward end. However, Kanzawa, Glesser '615, Glesser '890, and Cavanagh all disclose that two directional ridge patterns on opposing sides of the tool, facing forwardly and rearwardly, on the tool handles that facilitate gripping the tool during use. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the one directional ridge pattern of Moyer, Khachatoorian, and Crank a two directional ridge pattern on each side of the tool, wherein the ridge patterns of Moyer, Khachatoorian, and Crank would face forwardly and rearwardly in order to enhance a user's grip on a tool during use.

Regarding the limitation requiring arcuate ridges, it should be noted that this limitation is broad in nature. As such, the Khachatoorian et al ridges can be considered arcuate since they follow the contour of the handle. See ridges 44 in FIG 1. The same could be said for the Crank et al, Kanzawa, Glesser ('890), or Cavanagh ridges. Furthermore, the Glesser ('890) and Cavanagh ridges also curve on the outer surface. (See FIG 7 of Glesser). All of these various arcuate ridges increase the gripping resistance between the user and the handle. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the outer surface of the ridges of the modified devices of Moyer, Khachatoorian, and Crank create

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an arcuate outline in order to increase the effectiveness of the gripping force between the user and the handle.

The above combinations fail to disclose the length of the ridges at the forward end of the handle is longer than the length of the rearward-facing ridges adjacent a center portion of the handle, and the length of the forward-facing ridges at the rearward end of the handle is longer than the length of the forward-facing ridges adjacent a center portion of the handle. However, DeCarolis teaches a handle for a hand tool wherein the length of ridges at the forward end of the handle is longer than the length of the ridges adjacent a center portion of said handle, and the length of the ridges at the rearward end of the handle is longer than the length of the ridges adjacent a center portion of the handle. The length of the ridges on the DeCarolis device is the result of the ergonomic handle design featuring a center indentation so as to comfortably fit in a user's hand. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide ridge length as claimed on the modified device of Moyer, Khachatoorian, and Crank for the purpose of providing an ergonomic grip.

As to claim 2, the modified device of Moyer, Khachatoorian, and Crank all disclose the invention substantially as claimed except for the first ridges are located toward the forward end, which face rearwardly, and the second ridges are located toward the rearward end, which face forwardly, of the handle. However, Glesser '890 discloses that it is old and well known in the art to use first ridges that are located toward the forward end (the left side) and face rearwardly of the handle and second

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ridges that are located toward the rearward end and face forwardly (the right side) for the purpose of reducing slippage in multiple directions.

As to claims 3 and 4, see FIG 4 of Moyer, FIG 1 of Crank, and FIG 1 of Khachatoorian.

As to claims 7, 12, and 19, the modified devices of Moyer, Khachatoorian, and Crank lack the neutral zone between the forward facing ridges and the rearward facing ridges, wherein the neutral zone comprises a portion of the outer surfaces having no ridges. However, Glesser '378 and Kanzawa both disclose the use of a neutral zone for the purpose of separating the opposing ridges to increase the effectiveness of the gripping surface. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a neutral zone in order to separate the opposing ridges to increase the effectiveness of the gripping surface.

As to claims 13 and 20, the modified devices of Moyer, Khachatoorian, and Crank lack a retaining clip with a first end attached to the handle and a second end contacting the handle, wherein the second end of the clip contacts the handle in the neutral zone. However, Glesser '890 discloses that it is old and well known in the art to use retaining clips (90) with a first end attached to the handle and a second end contacting the handle in order to facilitate carrying the tool. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a retaining clip with the modified devices of Moyer, Khachatoorian, and Crank in order to facilitate carrying the tool. Furthermore, it would have been an obvious matter of design choice to shorten the length of the clip such that it contacts the neutral zone (24)

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in order to limit the amount of interference of the clip with the gripping surface because such a modification would have involved a mere change in the size of the component. A change in size is generally recognized as being within the level of ordinary skill in the art.

As to claim 14, the angle between the first sloping surface and the second face is shown as less than 90 degrees.

As to claim 15, the face surface defines a plane that is substantially transverse to the handle plane as shown.

7. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moyer, Jr. et al in view of Kanzawa, Glesser ('378 or '890), or Cavanagh and DeCarolis as applied to claims 1-4 above in further view of the following.

The modified devices of Moyer in FIGS 2 and 4 shows a valley between each ridge, wherein the first sloping surface extends from the valley to the ridge in the direction from the forward end toward the rearward end and from the rearward end toward the forward end depending up on the side of the protuberance.

Response to Arguments

8. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Regarding Applicant's argument the limitation requiring arcuate ridges defines the instant invention over the prior art, please see the 112 and art rejections above. Further clarification requiring this limitation is required in order for it to be properly understood.

While differences may exist between Applicant's invention and the prior art of record, these differences have not been claimed.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carolyn T. Blake whose telephone number is (571) 272-4503. The examiner can normally be reached on Monday to Friday, 8:00 AM to 5:30 PM, alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CB

CB

July 25, 2006



BOYER D. ASHLEY
SUPERVISORY PATENT EXAMINER